

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-362-C - ORDER NO. 95-1297✓
JUNE 23, 1995

IN RE: Application of Bottom Line Telecommuni-)	ORDER
cations, Inc. for a Certificate of Public)	APPROVING
Convenience and Necessity to Provide)	CERTIFICATE
Operator Services within the State of)	
South Carolina.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of Bottom Line Telecommunications, Inc. (Bottom Line or the Company) requesting a Certificate of Public Convenience and Necessity authorizing it to operate as a reseller of telecommunications services, and to sell pre-paid debit cards, in the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1993) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed Bottom Line to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of Bottom Line's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. Bottom Line complied with this instruction and provided the Commission

with proof of publication of the Notice of Filing. A Petition to Intervene was filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate).

Discussions between Bottom Line and the Consumer Advocate led Bottom Line to agree to certain changes in its proposed tariff. Subsequently, the Consumer Advocate informed the Commission that it was satisfied that Bottom Line's offering was consistent with other resellers approved by the Commission, and that the Consumer Advocate would not participate in the scheduled hearing in this Docket.

A public hearing was commenced on June 14, 1995 at 2:30 p.m., in the Commission's Hearing Room. The Honorable Rudolph Mitchell, Chairman, presided. Bottom Line was represented by Faye A. Flowers, Esquire. F. David Butler, General Counsel, represented the Commission Staff.

John Hall, National Manager of Major Accounts for Bottom Line, appeared and offered testimony in support of Bottom Line's Application. Mr. Hall explained Bottom Line's request for authority to provide interexchange telecommunications services in South Carolina as a non-facilities based reseller. Mr. Hall described Bottom Line's services, its managerial, technical, and financial resources, and its marketing procedures. Mr. Hall also stated that Bottom Line will provide its services in compliance with the Commission's rules and regulations.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the

Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. Bottom Line is incorporated under the laws of the State of Washington and is licensed to do business as a foreign corporation in the State of South Carolina by the Secretary of State.

2. Bottom Line operates as a non-facilities based reseller of interexchange services and wishes to provide its services in South Carolina.

3. Bottom Line has the experience, capability, and financial resources to provide the services as described in its Application.

4. Bottom Line has sold its debit card through various sales agents within the State of South Carolina, prior to approval by this Commission. Bottom Line also furnished MTS services to South Carolina customers for intrastate use prior to Commission approval in the amount of \$2,661.00 total revenue.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Bottom Line to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers

approved by the Commission, and to sell its debit cards within the State of South Carolina.

2. The Commission adopts a rate design for Bottom Line for its resale services which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. Bottom Line shall not adjust its rates below the approved maximum level without notice to the Commission and to the public. Bottom Line shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 1993).

4. Bottom Line shall file its revised maximum tariff and an

accompanying price list within thirty (30) days of the date of this Order. The revised tariff shall be consistent with the findings of this Order and shall include the changes which Bottom Line agreed to include in its tariff. Further, the tariff shall be filed with the Commission in a loose-leaf binder.

5. Bottom Line is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if they so desire.

7. Bottom Line shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Bottom Line changes underlying carriers, it shall notify the Commission in writing.

8. With regard to completion of any intraLATA toll calls, Bottom Line shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993).

9. Further, Bottom Line shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A.

10. There is no question that Bottom Line sold its debit cards through various sales agents in South Carolina, prior to

approval by this Commission. The problem is that no party has furnished this Commission with any evidence as to how many cards were sold and/or used in South Carolina for intrastate calling, nor is there any evidence as to how much revenue the Company earned through the sale of the cards. The Company and the Commission Staff had agreed that the Company should pay into the State General Fund the sum of \$5,000 as representative of these sales. The problem is that we cannot tell whether or not this figure has any basis in fact, nor are any customers identifiable. We therefore reject this agreement, and hold that no monies need be paid by the Company because of debit card sales.

11. With regard to the MTS sales in the amount of \$2,661.00 prior to Commission approval, such revenues were clearly established, as were the customers involved. These revenues were clearly unauthorized, and the Commission holds that said revenues should be refunded to the appropriate customers, plus 8 3/4% interest per annum. The Company shall certify that this refund has been accomplished upon completion.

12. Since the Company desires to continue selling its pre-paid debit cards within South Carolina, we hold that it must furnish to the Commission immediately the sum of \$5,000 in the form of Certificates of Deposit, issued by a federally-insured institution as a bond for the protection of the customers of South Carolina. This requirement may be reviewed after one year.

13. That this Order shall remain in full force and effect
until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

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ATTACHMENT A

ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS
FOR INTEREXCHANGE COMPANIES AND AOS'S

COMPANY NAME

FEI NO.

ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

- (1) SOUTH CAROLINA OPERATING REVENUES FOR THE 12 MONTHS ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.
- (2) SOUTH CAROLINA OPERATING EXPENSES FOR THE 12 MONTHS ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.
- (3) RATE BASE INVESTMENT IN SOUTH CAROLINA OPERATIONS* FOR 12
MONTHS ENDING DECEMBER 31 OR FISCAL YEAR ENDING _____.
- * THIS WOULD INCLUDE GROSS PLANT, ACCUMULATED DEPRECIATION,
MATERIALS AND SUPPLIES, CASH WORKING CAPITAL, CONSTRUCTION
WORK IN PROGRESS, ACCUMULATED DEFERRED INCOME TAX,
CONTRIBUTIONS IN AID OF CONSTRUCTION AND CUSTOMER DEPOSITS.
- (4) PARENT'S CAPITAL STRUCTURE* AT DECEMBER 31 OR FISCAL YEAR
ENDING _____.
- * THIS WOULD INCLUDE ALL LONG TERM DEBT (NOT THE CURRENT PORTION
PAYABLE), PREFERRED STOCK AND COMMON EQUITY.
- (5) PARENT'S EMBEDDED COST PERCENTAGE (%) FOR LONG TERM DEBT AND
EMBEDDED COST PERCENTAGE (%) FOR PREFERRED STOCK AT YEAR ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.
- (6) ALL DETAILS ON THE ALLOCATION METHOD USED TO DETERMINE THE
AMOUNT OF EXPENSES ALLOCATED TO SOUTH CAROLINA OPERATIONS AS
WELL AS METHOD OF ALLOCATION OF COMPANY'S RATE BASE INVESTMENT
(SEE #3 ABOVE).

SIGNATURE

NAME (PLEASE TYPE OF PRINT)

TITLE